

VM5A. 1

Q And is it a fair statement to say that having the same batch number you could come as close as possible to the same ballistic characteristics?

A That is correct. If I might explain. When they have a batch they run ballistics on every tenth box and every periodic round so it does have a standard ballistic pattern.

MR. FITTS: If the Court please, I have an envelope which contains, and I can't read the writing and it is about time I got glasses, but I have not done it yet.

MR. COOPER: Do you want to borrow mine?

MR. FITTS: I would rather use the eyes of Mr. [Redacted] Wolfer.

I believe this contains some expended bullets, if the Court please, and may this be marked People's next in order which will be People's 55.

THE COURT: People's 55.

MR. COOPER: What is 54?

MR. FITTS: 54 is an expended bullet from --

THE COURT: A photograph.

MR. FITTS: No, from Mr. William Weisel, the same Count of the Indictment.

THE COURT: An expended bullet from Mr. William Weisel?

MR. COOPER: I see, I have 53 two times. Thank you.

INX.55 id. 26

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4128-4229 - P. Wolfer testimony.

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This spent bullet, now 55, have you told us where that is alleged to have come from?

MR. FITTS: I can tell you what I think I know.

MR. COOPER: These are exemplars?

MR. FITTS: These are test shots, yes.

MR. COOPER: Thank you.

Q BY MR. FITTS: I direct your attention to this envelope which is People's 55, and it bears certain writing perhaps from your hand, does it not?

A It does.

What does it contain?

A It contains three of the test shots that I took from People's No. 6, the weapon, and this was from the water recovery tank, and that would be three test shots I used for comparison purposes.

MR. COOPER: 55 may be received in evidence if you desire.

THE COURT: People's 55 in evidence.

X Q BY MR. FITTS: Having obtained the test shots, People's 55, and bearing mind your task of attempting to identify the source of the lead that you have in those other exhibits, what did you then do?

A I then took my test shot through a comparison microscope, and a comparison microscope is simply two microscopes that we use for comparing and they are attached by a common bridge. By looking through the

5a-3. 1 eyepiece I am able to see through those two microscopes.
2 I placed my evidence test shot here, the one I took from
3 People's No. 16, and marked 55 on one stage of one of the
4 microscopes. I then went through and placed each one of
5 the corresponding exhibits, Numbers from 47, 48, 50, 51,
6 52, 53 and '4, onto the opposite side of the microscope,
7 one at a time, during which time I observed the striations
8 or the scratches on the bullet which they make when they
9 explode, and this is the portion I have of the two bullets
10 which were under the microscope.

11 I looked at them separately, and as these
12 bullets traverse the barrel of the gun, or travel through
13 this barrel, and for court purposes the gun is unloaded
14 as I checked it.

15 Q : BY MR. FITTS: You are now referring to
16 People's 6 in evidence? *see p. 4200 line 21-24*

17 A Yes. I hold here People's No. 6, and this is
18 the bullet which was expelled from the muzzle of the gun
19 and, prior to that, it goes along the barrel of the gun.
20 It becomes scratched by the imperfections of the barrel
21 and then it also picks up the lands and grooves
22 specifications of that barrel; in other words, the barrel
23 as it fires this elongated projectile, and I have looked
24 at the fatal bullet, and in my opinion this bullet has
25 certain lands and grooves markings from the barrel and when
26 it was projected down in the valley, which projected

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upward, they grab in the muzzle and twist it so when
they leave the barrel it spins and that stability at the
nose is kept forward.

Now, these riflings are important from the
standpoint that different manufacturers have different
rifling specifications and they spin right and left and
they go anywhere from four, five, six, up to twenty-two
lands and grooves, and they have a gyroscopic value and
these are important also for identification purposes.

But, even more important are the imperfections
that creep in and that bullet produces a series of
thousands of scratch marks on this bullet.

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422

-2. 1 A I asked for the gun to be released to me.
2 Q Whom did you ask?
3 A I asked the District Attorney's Office. *(asked who?)*
4 Q You mean they said "No" or that it would
5 be too much trouble?
6 A Well, it is hearsay. ?
7 Q Well, if he wants to object to it, he can.
8 A I was told that the gun would not be released
9 for any further tests until they had a Court order
10 approved by different counsel as such and there was never
11 any time that they could get it approved. That was my
12 understanding.
13 Q Now, is it your opinion, did you say, that
14 if you fired a test pattern of People's Exhibit No. 6,
15 and is the revolver you used still available?
16 A Yes, the revolver is still available.
17 Q In your professional opinion would that fire
18 the same test pattern as People's Exhibit No. 6?
19 A Yes, within the tolerances that I have
20 allowed.
21 Q What are the tolerances you have allowed?
22 A I have allowed in this instance a good double
23 of the air accuracies within the ranges of calculation,
24 and may I explain that?
25 Q Certainly.
26 A When I say approximately one inch, when you